

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) [X] I am the original, first and sole inventor
[] I am a joint inventor and the below named inventors are the
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

LANDSCAPE BORDER SEGMENT FOR CONFIGURABLE LANDSCAPE BORDERS

the specification of which

(check one) [X] is attached hereto.
[] was filed on _____,
as Application Serial No. _____,
and was amended on _____.
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Claimed	Priority Yes	No
_____	_____	_____	_____	_____	X

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

<u>Provisional Application Serial N .</u>	<u>Filing Date</u>
60/309,910	August 3, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
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I hereby appoint: Robert M. O'Keefe (Reg. No. 35,630), Richard D. Egan (Reg. No. 36,788), Brian W. Peterman (Reg. No. 37,908), William W. Enders (Reg. No. 41,735), and Maximilian R. Peterson (Reg. No. 46,469), each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, as its attorneys for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Address all telephone calls to Richard D. Egan at telephone number (512) 347-1611.

Address all correspondence to:

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Austin, TX 78746
(512) 347-1611
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Clemente Conde

Inventor's Signature  10/30/01
Date

Residence: 104 Village Circle Waco, TX 76710

Citizenship: U.S.

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.
EASY:022

Applicant or Patentee: Easy Gardener, Inc.

Application No.: EASY:022

Title: LANDSCAPE BORDER SEGMENT FOR CONFIGURABLE LANDSCAPE BORDERS

I hereby declare that I am:

the owner of the small business concern identified below:
an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: EASY GARDENER, INC.
ADDRESS OF SMALL BUSINESS CONCERN: 3022 Franklin Avenue
Waco, TX 76710

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
the application identified above.
the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CRF 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern or organization exists.
 each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Sheila Jones

TITLE OF PERSON IF OTHER THAN OWNER: Vice President of Operations

ADDRESS OF PERSON SIGNING: 3022 Franklin Avenue, Waco, TX 76710

SIGNATURE: Sheila B. Jones, VP Operations DATE: 10-28-01